



Public Service Commission

State of North Dakota

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January 28, 2013

Michael L. Gust
Anderson, Bottrell, Sanden & Thompson
4132 30th avenue South, Suite 100
PO Box 10247
Fargo, ND 58106-0247

RE: Public Service Commission vs. Anderson Seed Co., Inc.
PSC Case No. GE-12-78
CIVIL NO. 09-2012-CV-00693

Dear Mr. Gust:

This letter is in response to your January 14, 2013 letter regarding Anderson Seed Co., Inc. The Commission is still waiting for information from Anderson Seed Co., Inc. before it can complete its evaluation of deferred payment (credit-sale) contracts.

In regard to Raleigh Robinson's December 18, 2012 letter to the Commission, we are forwarding a copy of the response letter that was mailed to Mr. Robinson.

If you have any questions regarding this letter, please feel free to contact my office.

Sincerely,

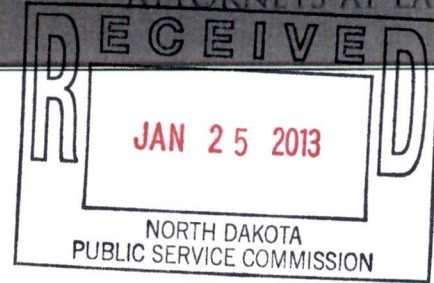

Illona A. Jeffcoat-Sacco

Enclosure



JENSEN · BATA
ATTORNEYS AT LAW

January 25, 2013



Rauleigh D. Robinson
Attorney at Law
15901-62nd Ave. SE
Menoken, ND 58558

Re: Public Service Commission v. Anderson Seed Co., Inc., Civil No. 09-2012-CV-00693
PSC Case No. GE-12-78
Glenn & Lisa Gerving

Dear Mr. Robinson:

Your letter dated December 18, 2012 regarding your clients Glenn and Lisa Gerving has been forwarded to my office. Your letter indicates that Glenn and Lisa Gerving have obtained a money judgment against Anderson Seed Co., Inc. Your letter also asserts that the money judgment "puts them into a priority position to receive the first of any funds" obtained as part of the receivership for Anderson Seed Co., Inc.

It is the initial opinion of Public Service Commission staff that the existence of bailment transactions under N.D.C.C. § 60-02-25 and the existence of statutory liens under § 60-02-25.1 create claims with priorities which exceed general claims against Anderson Seed Co., Inc. Under § 60-04-03.1, grain in the warehouse or proceeds obtained through the sale of such grain and accounts receivable are part of the trust fund and must be distributed among receiptholders.

As provided under § 60-04-09, your client's claim will be evaluated as part of the receivership proceedings. After all claims have been evaluated, the Commission will prepare a report and file it with the court showing the amount and validity of each claim. You and Glenn and Lisa Gerving will receive a copy of the Commission's Report and Recommendation when it is filed with court.

If you have any questions regarding this letter, please feel free to contact my office.

Sincerely,



Jon J. Jensen

JJJ/maa

cc: Susan Richter
Illona Jeffcoat-Sacco